

## BOROUGH OF TOTOWA

### MINUTES OF THE MAYOR AND COUNCIL

**November 12, 2013**

**PRESENT:** Mayor John Coiro, presiding, Council President Phil Puglise, Councilman John Waryas, Councilwoman Debra Andriani, Councilman Anthony Picarelli, Municipal Clerk Joseph Wassel and Municipal Attorney Robert Corrado.

**ABSENT:** Councilman Lou D'Angelo and Councilwoman Carolyn Fontanella.

Mayor John Coiro called the meeting to order and asked the Municipal Clerk to call the roll.

Municipal Clerk Wassel recited the Prayer of the Meeting followed with the Pledge of Allegiance to the Flag with the public participating.

Mayor Coiro asked the Clerk to read the statement of the meeting.

The Municipal Clerk read the following statement: This meeting of the Mayor and Council held on this day is being held in accordance with Chapter 231, P.L. 1975 of the State of New Jersey as amended. The agenda for this meeting has been prepared and distributed to the Mayor and Council and a copy has been on file in the Office of the Municipal Clerk.

Mayor Coiro asked if any members of the Council, the Municipal Clerk or the Municipal Attorney wished to address the Council.

Mayor Coiro: Congratulated Councilman Waryas and Councilman D'Angelo on being reelected to the Council and said that he looked forward to working with them again for three more years.

Councilwoman Andriani: Announced that the Board of Recreation held a dance on Mischief Night and the next day held their Trunk or Treat at the PAL and said that both events were well attended and enjoyed by the young residents of Totowa.

#### CITIZENS HEARD:

Mike Mahometa, 269 Lincoln Avenue: Thanked the Mayor and Council and DPW Superintendent Jim Niland for removing the leaning, dead tree and for planting five new white pines in the area behind his house by the PAL.

Franklin Rose, 49 Duffus Avenue: Said that this is the first meeting that he is attending, but has been a resident for about four years. Stated that he read a letter sent from the Mayor regarding the tax increase and wants an explanation on why he is blaming the residents for appealing their taxes. Mayor Coiro: Advised that he is not blaming anyone because all property owners have the right to appeal their taxes. Communicated that he was just trying to give our residents a reason why the taxes went up and that without the tax appeals, our budget would have been flat with no tax increase. Went on to explain the tax rate versus the budget and how successful tax appeals cause reduced ratables thereby causing a tax increase even if our expenditures stay the same. A conversation ensued. Commented that you don't know me and I don't know you, but if you knew me you would know that when I campaign door to door and residents complain about their taxes, I tell them to appeal. Mr. Rose: Said he was glad to hear that. Mayor Coiro: Welcomed him to come to all future meetings.

There was a motion by Councilman Puglise, seconded by Councilman Waryas to approve the Minutes of the Mayor and Council for the meeting of October 22, 2013. On roll call vote, all members of the Council present voted in the affirmative.

#### COMMITTEE ON FINANCE:

There was a motion by Councilman Picarelli, seconded by Councilman Puglise to approve Resolution No. 2013-23 for the payment of bills. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilman Picarelli, seconded by Councilman Puglise to authorize the Borough Attorney to prepare and the Borough Clerk to advertise for the RFQ's/RFP's for 2014 Professional Services. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilman Picarelli, seconded by Councilman Puglise to approve payment of the 2013 annual contribution to the Totowa Seniors and the Happy Seniors. On roll call vote, all members of the Council present voted in the affirmative.

COMMITTEE ON PUBLIC SAFETY:

There was a motion by Councilman Puglise, seconded by Councilman Waryas to adopt the following Resolution Authorizing The Purchase And Delivery Of Two (2) Vehicles For The Borough Of Totowa Police Department. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 103-2013

RESOLUTION AUTHORIZING THE PURCHASE AND DELIVERY OF TWO (2)  
VEHICLES FOR THE BOROUGH OF TOTOWA POLICE DEPARTMENT

WHEREAS, the Borough of Totowa Police Chief has requested that two (2) new police vehicles be purchased and added to the Borough of Totowa fleet; and

WHEREAS, the Mayor and Council of the Borough of Totowa have determined that there is a need for two (2) new police vehicles in order to maintain and keep the fleet updated; and

WHEREAS, the Mayor and Council of the Borough of Totowa desire to authorize the purchase of these vehicles; and

WHEREAS, Morris County Cooperative Pricing Council Contract No. 15-A has been awarded to Beyer Ford, 170 Ridgedale Avenue, Morristown, New Jersey 07962 for the purchase of the one (1) 2014 Ford Police Interceptor Sedan (Ford Taurus) and one (1) 2014 Ford Police Interceptor Utility (Ford Explorer) and related equipment; and

WHEREAS, pursuant to the applicable New Jersey State laws, the purchase of the police vehicles may be authorized without public bidding.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize the purchase of one (1) 2014 Ford Police Interceptor Sedan from Beyer Ford in the amount of Twenty-Three Thousand Seven Hundred Sixty-Four and 00/100 Dollars (\$23,764.00) and one (1) 2014 Ford Police Interceptor Utility from Beyer Ford in the amount of Twenty-Five Thousand Six Hundred Thirteen and 00/100 Dollars (\$25,613.00) per vehicle for a total cost of Forty-Nine Thousand Three Hundred Seventy-Seven and 00/100 Dollars (\$49,377.00).

BE IT FURTHER RESOLVED, that the Mayor and Municipal Council of the Borough of Totowa do hereby authorize the Municipal Clerk and Police Chief to execute any and all instruments relating thereto.

There was a motion by Councilman Puglise, seconded by Councilman Waryas to adopt the following Resolution Authorizing The Public Rebidding Of One New Heavy Duty Rescue Unit For The Borough Of Totowa Fire Department. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 104-2013

RESOLUTION AUTHORIZING THE PUBLIC REBIDDING OF ONE NEW HEAVY DUTY RESCUE UNIT FOR THE BOROUGH OF TOTOWA FIRE DEPARTMENT

WHEREAS, the Borough of Totowa Fire Chief had recommended to the Mayor and Council of the Borough of Totowa that a new Fire Truck be added to the Borough of Totowa Fire Department fleet for Fire Rescue Company No. 4, 22 Mitchell Avenue, Totowa, New Jersey 07512; and

WHEREAS, more specifically, the Borough of Totowa Fire Chief recommended that the Borough of Totowa solicit proposals for one (1) new International 4400/Rescue 1, Heavy Duty Rescue Unit #R-241 or approved equivalent that is the manufacturer's latest design and production; and

WHEREAS, the Mayor and Council of the Borough of Totowa did advertise for receipt of sealed bids in accordance with the specifications entitled "Specifications and Proposal for the Purchase and Delivery of One (1) New Heavy Duty Rescue Unit Or Approved Equivalent for the Borough of Totowa, County of Passaic, New Jersey 2013"; and

WHEREAS, the Borough of Totowa did receive bids at its Municipal Building on June 19, 2013; and

WHEREAS, the Mayor and Council of the Borough of Totowa on June 25, 2013 did accept the bid received for the Fire Truck called for and directed the Borough of Totowa Fire Chief and Municipal Attorney to review same; and

WHEREAS, the lone bid was submitted by P.L. Custom Body & Equipment Co. Inc., 2201 Atlantic Avenue, Manasquan, New Jersey 08736 for a 2012 International 4400, Rescue 1, Heavy Duty Rescue Truck in the amount of Two Hundred Eighty-One Thousand Eight Hundred Forty-Four and 00/100 Dollars (\$281,844.00) with delivery of the vehicle to be provided within forty-five (45) days from receipt of a contract; and

WHEREAS, by Resolution No. 79-2013 dated July 9, 2103, the Mayor and Council of the Borough of Totowa rejected the sole bid of by P.L. Custom Body & Equipment Co. Inc. for failing to meet the technical requirements of the Borough of Totowa Fire Department which specified a Heavy Duty Fire Truck vehicle to be new custom built and delivered to Fire Rescue Company No. 4 upon completion of construction; and

WHEREAS, the Borough of Totowa Fire Chief has advised the Mayor and Council of the Borough of Totowa that there continues to be a need to add a Heavy Duty Rescue Unit to the Borough of Totowa Fire Department fleet; and

WHEREAS, the Mayor and Council desire to authorize the rebidding for the purchase and delivery of one (1) new International 4400/Rescue 1, Heavy Duty Rescue Unit #R-241 or approved equivalent that is the manufacturer's latest design and production.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council do hereby authorize the public rebidding of one (1) new 2014 International 4400/Rescue 1, Heavy Duty Rescue Unit #R-241 or approved equivalent that is the manufacturer's latest design and production for Fire Rescue Company No. 4, 22 Mitchell Avenue, Totowa, New Jersey 07512.

There was a motion by Councilman Puglise, seconded by Councilman Waryas to approve payment of the Fire Department Clothing Allowance for 2013. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilman Puglise, seconded by Councilman Waryas to approve the fireman's application, the purchase of fireman's equipment and authorize a fireman's physical for Maurice John Sentinella for Fire Rescue Co. No. 4. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilman Puglise, seconded by Councilman Waryas to approve the Junior Firefighter Application for Dylan Joseph Messier for Volunteer Fire Co. No. 1. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilman Puglise, seconded by Councilman Waryas to approve the Junior Firefighter Application for Joseph Russo for Riverview Park Fire Co. No. 3. On roll call vote, all members of the Council present voted in the affirmative.

A letter from the Middlesex County Prosecutor's Office thanking Patrolman Dan DiBlasio for his help and cooperation in presenting a case was received and filed, with a copy to be placed in his personnel file.

COMMITTEE ON PUBLIC WORKS:

There was a motion by Councilman Waryas, seconded by Councilman Puglise to authorize the Borough Attorney to prepare the specifications and the Borough Clerk to advertise for the receipt of bids for the Purchase and Delivery Of One New Backhoe For The Department Of Public Works. On roll call vote, all members of the Council present voted in the affirmative.

COMMITTEE ON ENGINEERING & PUBLIC PROPERTY:

There was a motion by Councilwoman Andriani, seconded by Councilman Puglise to adopt the following Resolution Authorizing The Borough Of Totowa To Enter Into A Lease Agreement With Digital Totowa, LLC. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 105-2013

RESOLUTION AUTHORIZING THE BOROUGH OF TOTOWA TO ENTER INTO  
A LEASE AGREEMENT WITH DIGITAL TOTOWA, LLC

WHEREAS, Digital Totowa, LLC is the owner of real property located at 701 Union Boulevard, Totowa, New Jersey and designated as Block 173, Lot 17 on the official Tax Map of the Borough of Totowa (the "Property"); and

WHEREAS, the Borough of Totowa is the owner of property located at 4 Melissa Drive, Totowa, New Jersey and designated as Block 173, Lot 26.07 on the official Tax Map of the Borough of Totowa, which is currently being utilized as a public park and recreation area more commonly known as Floyd Park; and

WHEREAS, a portion of the Municipal Park encroaches on the Property; and

WHEREAS, Digital Totowa, LLC filed an application for development with the Borough of Totowa Planning Board for preliminary and final site plan approval for the 701 Union Boulevard property wherein they proposed to raze the existing 272,000 square foot building along with all other improvements on the property and construct two new data centers inclusive of a two-story office space for one of the buildings; and

WHEREAS, the Borough of Totowa Planning Board at its public meetings held on April 11, 2013, April 25, 2013 and May 9, 2013 granted preliminary and final site plan approval for the application filed by Totowa Digital, LLC for the 701 Union Boulevard property, subject to certain conditions and restrictions; and

WHEREAS, one of the conditions of the approval granted by the Borough of Totowa Planning Board was the requirement that Digital Totowa, LLC enter into a Developer's Agreement with the Borough of Totowa; and

WHEREAS, by Resolution No. 76-2013 dated June 25, 2013, the Mayor and Council of the Borough of Totowa authorized the Borough of Totowa to enter into a Developer's Agreement with the Digital Totowa, LLC; and

WHEREAS, pursuant to the terms of the Developer's Agreement, Digital Totowa, LLC has agreed to provide the Borough of Totowa with a ninety-nine (99) year lease to permit the continued use and occupancy of Floyd Park to encroach on the Property; and

WHEREAS, the Borough of Totowa wishes to lease a portion of the Property for the sole purpose of using same as a public park and/or playground recreation area for the use and enjoyment of the people of the Borough of Totowa; and

WHEREAS, the Mayor and Council of the Borough of Totowa desire to authorize the Borough of Totowa to enter into a lease agreement with Digital Totowa, LLC for the aforementioned reasons.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize the Borough of Totowa to enter into a lease agreement for a portion of Block 173, Lot 17 to permit the continued use and occupancy of municipal park and recreation area known as Floyd Park to encroach on the Property located at 701 Union Boulevard within the Borough of Totowa, Passaic County New Jersey.

BE IT FURTHER RESOLVED, that the Municipal Council of the Borough of Totowa does hereby authorize the Mayor and Municipal Clerk to execute any and all necessary instruments relating thereto.

#### COMMITTEE ON LIAISON & INSPECTION:

There was a motion by Councilwoman Andriani, seconded by Councilman Picarelli to adopt the following Resolution Authorizing The Release Of Performance Bond For Holy Sepulchre Cemetery. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 106-2013

RESOLUTION AUTHORIZING THE RELEASE OF PERFORMANCE BOND  
FOR HOLY SEPULCHRE CEMETERY

WHEREAS, the Roman Catholic Diocese of Paterson is the owner of real property consisting of one (1) lot that is located upon the premises commonly known as and further known as Holy Sepulchre Cemetery and identified as Block 12, Lot 1 on the official tax map of the Borough of Totowa; and

WHEREAS, the Roman Catholic Diocese of Paterson had filed an application to the Borough of Totowa Planning Board for preliminary and final site approval, design waivers and variance relief from the Totowa Borough Stormwater Control Ordinance to construct new paved access roads throughout the undeveloped portion of the Cemetery, to complete the site grading operations for proposed new burial sections and install special religious features in the burial sections with associated landscaping; and

WHEREAS, the Borough of Totowa Planning Board at its public meetings held on September 24, 2009 and March 11, 2010 granted the developer Preliminary and Final Site Approval for the Holy Sepulchre Cemetery property, subject to certain conditions and restrictions; and

WHEREAS, the Borough of Totowa Planning Board at its public meeting held on March 25, 2010 adopted a Resolution memorializing their approval of the application of the Roman Catholic Diocese of Paterson for the Holy Sepulchre Cemetery property; and

WHEREAS, the conditions set forth in the Resolution granting approval for this project included the requirement that the Roman Catholic Diocese of Paterson enter into a Developer's Agreement with the Borough of Totowa; and

WHEREAS, by Resolution No. 63-2011 dated July 12, 2011, the Mayor and Council of the Borough of Totowa authorized the Borough of Totowa to enter into a Developer's Agreement with the Roman Catholic Diocese of Paterson; and

WHEREAS, pursuant to the approvals granted and the terms of the Developer's Agreement, the Roman Catholic Diocese of Paterson was required to post a performance bond for the purpose of insuring proper construction at all on-site and off-site improvements; and

WHEREAS, in accordance with the Developer's Agreement, the Roman Catholic Diocese of Paterson posted an Irrevocable Letter of Credit dated August 19, 2011 issued by Central Lending Agency R.C. Diocese of Paterson ("Bank") in the amount of \$218,000.00 in lieu of a Performance Bond; and

WHEREAS, the Roman Catholic Diocese of Paterson has completed all work on the project and has requested a release of the Irrevocable Letter of Credit posted as a guarantee for the drainage improvements installed at Holy Sepulchre Cemetery; and

WHEREAS, the Municipal Engineer had inspected the work completed to date and has recommended the release of the Irrevocable Letter of Credit subject to the Roman Catholic Diocese of Paterson posting a required two (2) year maintenance bond in the amount of \$27,705.00 which represents 15% of the original construction cost for the improvement project.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize the release of Irrevocable Letter of Credit subject to the Roman Catholic Diocese of Paterson posting a required two (2) year maintenance bond in the amount of \$27,705.00 which represents 15% of the original construction cost for the project.

BE IT FURTHER RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize the Municipal Clerk and Municipal Engineer to execute any and all instruments relating thereto.

#### COMMITTEE ON LEGISLATION & ORDINANCES:

There was a motion by Councilman Picarelli, seconded by Councilwoman Andriani to introduce on first reading and advertise for public hearing the following entitled ordinance. On roll call vote, all members of the Council present voted in the affirmative.

#### **ORDINANCE NO. 17-2013**

#### **AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF TOTOWA CHAPTER 398 ENTITLED "VEHICLES AND TRAFFIC", ARTICLE II, "PARKING", SECTION 11, "HANDICAPPED PARKING", AND ARTICLE XIII, "SCHEDULES", SECTION 65, "SCHEDULE XVIII: HANDICAPPED PARKING"**

There was a motion by Councilman Picarelli, seconded by Councilwoman Andriani to approve Raffle License Application Nos. 1741, 1742 & 1743 for The Diane D'Apolito-May "Beyond The Rainbow" Charitable Foundation for a Tricky Tray, On-Premise 50/50 and Off-Premise 50/50, respectively, to be held on March 29, 2014 at The Bethwood. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilman Picarelli, seconded by Councilwoman Andriani to approve Raffle License Application No. 1744 for the BPOE Passaic Valley Elks #2111 for an Off- Premise 50/50 to be held on January 10, 2014. On roll call vote, all members of the Council present voted in the affirmative.

There being no further business to come before the Council, there was a motion by Councilman Puglise, seconded by Councilman Waryas that the meeting be adjourned. On roll call vote, all members of the Council present voted in the affirmative.

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Joseph Wassel, RMC  
Municipal Clerk